**IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF OKLAHOMA**

(1) PRIME INSURANCE COMPANY,
a foreign corporation,
 	
              Plaintiff,
 	
vs.
 	
(1) BERKSHIRE HATHAWAY
HOMESTATE INSURANCE COMPANY,
a foreign corporation,
 	
              Defendant.
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		Case No. CIV-22-626-D

JOINT STATUS REPORT

Plaintiff Prime Insurance Company ("Prime") and Defendant Berkshire Hathaway Homestate Insurance Company ("BHHIC"), by and through their respective undersigned counsel submit the joint status report requested in the Court's Order of February 8, 2024. Doc. 40. The date to provide this Joint Status Report was extended to March 14, 2024 pursuant to this Court's Order on February 15, 2024. Doc. 42.

In support hereof, the parties state as follows:

1.   On February 7, 2024, this Court entered its Order denying Prime's Motion for Summary Judgment; and granting in part, and denying in part, BHHIC's Motion for Partial Summary Judgment. Doc. 39. The Court's ruling effectively narrowed the remaining issues to be decided in this insurance coverage case.

2.   On February 8, 2024, this Court entered an Order directing the parties to confer and submit a joint status report identifying any issues remaining for this Court's

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determination during the pendency of this case's underlying litigation, *Shipman v. Howard, et al.*, Case No. CJ-2019-4538, District Court of Tulsa County. Doc. No. 40.

3.   The *Shipman* litigation was previously set for a mediation on February 29, 2024. However, the undersigned counsel have been informed the mediation was canceled in order for the parties in the *Shipman* litigation to address discovery disputes and/or conduct additional depositions. The resolution of the *Shipman* case by a subsequent mediation or trial, however, could impact what issues remain to be decided in this declaratory action. For example, if the *Shipman* litigation completely settles at mediation, there would be no further litigation of factual issues in that litigation to inform the remaining coverage issues in this declaratory action, thus requiring further action in this Court. Alternatively, it is possible that settlement of the *Shipman* litigation at mediation could facilitate resolution of this action, too. Alternatively, a trial determination more than likely assists in the issue of the duty to indemnify the driver/defendant (Howard) in the *Shipman* case.

4.   Because the resolution of the *Shipman* case can directly affect the issues remaining to be decided in this Court, the parties respectfully ask this Court to stay this action pending resolution of the *Shipman* case in the District Court of Tulsa County. The parties request the Court order this matter to be administratively closed, and order the parties to notify the Court within thirty (30) days of any resolution of the *Shipman* litigation and move to reopen this action within that same time period.

WHEREFORE, Plaintiff Prime Insurance Company and Defendant Berkshire Hathaway Homestate Insurance Company respectfully request this Court stay this action pending resolution of the *Shipman* litigation, and administratively close this action.

Respectfully submitted,

s/ Joseph K. Goerke	*s/ Tyler J. Coble*
Joseph K. Goerke, OBA # 13103	*(signed with permission)*
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